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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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MILLROCK INVESTMENT FUND 1, LLC,

Plaintiff,

v.

HEALTHCARE SOLUTIONS  
MANAGEMENT GROUP, INC.;  
HEALTHCARE SOLUTIONS HOLDINGS  
INC.; LANDES CAPITAL MANAGEMENT,  
LLC; LANDES AND COMPAGNIE TRUST  
PRIVE KB; JOSHUA CONSTANTIN;  
JUSTIN SMITH; STUART MCMAHEN;  
and BLACK LABEL SERVICES, INC.,

Defendants.

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL  
(DOC. NO. 132)**

Case No. 2:23-cv-00157

Chief District Judge Robert J. Shelby

Magistrate Judge Daphne A. Oberg

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Attorneys Keith M. Woodwell, Thomas A. Brady, and Nickolas C. Sessions of the law firm of Clyde Snow & Sessions move to withdraw as counsel for Defendants Joshua Constantin and Stuart McMahan.<sup>1</sup> The motion states an irreconcilable conflict has arisen between counsel and their clients.<sup>2</sup> The motion indicates Mr. Constantin and Mr. McMahan have not consented to it.<sup>3</sup> The motion contains certification that all parties including Mr. Constantin and Mr. McMahan have been served with a copy of the motion

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<sup>1</sup> (Doc. No. 132.)

<sup>2</sup> (*Id.* at 2.)

<sup>3</sup> (*Id.*)

to withdraw,<sup>4</sup> and it meets all other requirements for a motion to withdraw under DUCivR 83-1.4.

For the reasons stated in the motion, and pursuant to DUCivR 83-1.4, the court GRANTS the motion to withdraw and ORDERS as follows:

1. The above listed counsel may withdraw and are hereby removed as counsel for Defendants Joshua Constantin and Stuart McMahan.
2. By **September 10, 2024**, Mr. Constantin and Mr. McMahan shall file notices of pro se appearance, or new counsel shall file a notice of appearance on their behalf.
3. If Mr. Constantin or Mr. McMahan fail to file a notice of appearance as set forth above, they may be subject to sanction pursuant to Federal Rule of Civil Procedure 16(f)(1), including but not limited to default judgment.
4. This action is STAYED until September 10, 2024, except as to Defendant Justin Smith's deadline to file a reply in support of his motion to dismiss.<sup>5</sup> **Mr. Smith's reply deadline shall remain as currently set.** All other deadlines are stayed, including briefing deadlines related to Mr. Constantin and Mr. McMahan's motion for summary judgment<sup>6</sup> and Plaintiff's motion to defer or deny the motion for summary

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<sup>4</sup> (*Id.* at 4.)

<sup>5</sup> (Doc. No. 75.)

<sup>6</sup> (Doc. No. 95.)

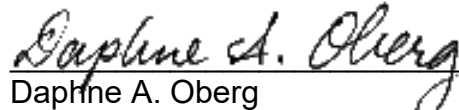
judgment.<sup>7</sup> The court will set new briefing deadlines for these motions after the stay expires.

**NOTICE TO PARTIES**

The court will cause this order to be sent to Mr. Constantin and Mr. McMahan at the email addresses and mailing addresses set forth in the motion to withdraw, and to all other parties.

DATED this 20th day of August, 2024.

BY THE COURT:

  
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Daphne A. Oberg  
United States Magistrate Judge

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<sup>7</sup> (Doc. No. 123.)